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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/540,135

06/21/2005

Kunio Nobori

5077-244/NP

3566

52800

7590

03/27/2008

GREGORY A. STOBBS

5445 CORPORATE DRIVE

SUITE 400

TROY, MI 48098

EXAMINER

NGUYEN, CUONG H

ART UNIT

PAPER NUMBER

3661

MAIL DATE

DELIVERY MODE

03/27/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/540,135	Applicant(s) NOBORI ET AL.	
	Examiner CUONG H. NGUYEN	Art Unit 3661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 6/21/05.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 13-, 14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-14 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 May 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is the answer to a pre. amendment filed on 6/21/2005.
2. Claims 1-14 are pending in this application.

Priority

3. Applicants claim a foreign filing priority of 17 Oct. 2003

Information Disclosure Statement

4. Three IDSs were filed on 6/21/05, 1/03/06, and 7/11/06; they are considered by the examiner.

Claim Rejections - 35 USC 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1, and 13-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

A. As to claim 1: There is a gap to one with ordinary skill in the art with the claimed languages because the method claims that not including a computer, and software to perform the claimed invention (the pending invention must use a computer to practice claimed steps):

i.e., see a pertinent para. [0192] *“In each of the above-described embodiments, each processing means and apparatus may be implemented by either hardware or software. For example, as shown in FIG. 18, a computer comprising a CPU 141, a ROM 142 and a RAM 143, and a function of inputting/outputting images, may be used to implement each processing means by software”*. “A computer-implemented method” (in the preamble) may overcome this deficiency.

B. As to claim 13: Claim 13 fails to indicate structural relationships of claiming components. The applicants claim calculation sections; however, best modes are required to clearly, and concisely representing those claimed sections.

C. As to claim 14: Claim 14 is directed to a navigation system; apparently, it is an independent claim. This independent claim should not be dependent on apparatus claim 13 as representing in line 4 of claim 14.

6. The examiner also respectfully submits that there is a restriction on patentably distinct species, AND a restriction on claims of an apparatus and a process of use that apparatus.

Election/Restrictions

7. This application contains claims directed to the following patentably distinct species of the claimed invention:

A. Species I: Claims 1-13 are directed to a method/an apparatus of obtaining a motion of a mobile body on which a camera is mounted, using images of a surrounding of the mobile body captured by the camera.

B. Species II: Claim 14 is directed to a navigation system comprising a navigation apparatus (see Fig. 16 ref. 130), a mobile body motion calculation apparatus (as claimed in claim 13, see Fig. 16, ref. 100))

The applicants are request to select or modify claim(s) so that a unique species/claims is defined according to a unique invention.

Further, if species I is selected, a restriction on claims of an apparatus, and a process of use that apparatus is required. The applicants are required again to select group I, or II as shown below for examination.

- group I: Method claims: 1-12, containing steps to obtaining a motion image of a mobile body, having US classification 382/276, 303.
- group II: claim 13 comprises physical components of an apparatus for obtaining a motion image of a mobile body having US classification 348/135, 142.

Applicants are required under 35 U.S.C. 121 to elect a single disclosed species, and a specific group for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable, currently, no generic claim is patentable because broadest claim 13 merely indicates an apparatus having multiple processes (representing by different sections as shown in FIG.2 (note that “best mode” for these sections (refs. 101-103) are not disclosed as required) .

8. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classifications, restriction for examination purposes as indicated is proper.

Applicants are advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR § 1.143)

9. Remark: About a manner of claiming

According to MPEP,

- I. The definition of the matter for which protection is sought shall be in terms of the technical features of the inventions (i.e., a first signal, a second signal, and a third signal should not be protected technical features).
- II. Whenever appropriate, claims shall contain:
- III. A statement indicating those technical features of the invention which are necessary for the definition of the claimed subject matter but which, in combination, are part of the prior art.
- IV. A characterizing portion – preceded by the words “characterized in that,” “characterized by,” “wherein the improvement comprises,” or any other words to the same effect – stating concisely the technical features which, in combination with the features stated under (I), it is desired to protect.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CUONG H. NGUYEN whose telephone number is 571-272-6759 (email address: cuong.nguyen@uspto.gov). The examiner can normally be reached on 9:30 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, THOMAS G. BLACK can be reached on 571-272-6956. The Rightfax number for the organization where this application is assigned is 571-273-6956.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Please provide support, with page and line numbers, for any amended or new claim in an effort to help advance prosecution; otherwise any new claim language that is introduced in an amended or new claim may be considered as new matter, especially if the Application is a Jumbo Application.

/CUONG H. NGUYEN/
Primary Examiner
Art Unit 3661